IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9399 of 2004

Between:

1 Sabbithi Venkateswara Rao S/o Mahalakshmi
R/o Lankala Gannavaram (V), P. Gasnnavaram (M),
East Godavari Dist.
2 Yennabathula Nageswara Rao S/o Meerayya
R/o Lanakala Gannavaram (V), P. Gannavaram (M),
East Godavari Dist.

..... PETITIONERS

AND

1 The Revenue Divisional Officer Narsapur, West Godavari Dist.
2 The Mandal Revenue Officer, Achanta (M), Achanta, W.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the proceedings of the second respondent in R.dis/41/2004(A) dated 27-05-2004 and the action of the first respondent in not staying the operation of the said proceedings as illegal, arbitrary and unjust.

Counsel for the Petitioners: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

O R D E R:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents.

This writ petition is filed aggrieved by the proceedings of the second respondent-Mandal Revenue Officer, Achanta Mandal, dated 27-05-2004, which were passed under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, directing restoration of the assigned land in favour of the original assignees. Against the said order the petitioners, who claim to be in possession of the said land preferred an appeal before the first respondent-Revenue Divisional Officer, Narsapur, and the same is pending. However, it is alleged that the first respondent failed to grant stay of the impugned proceedings pending the statutory appeal. Hence, this writ petition.

This Court while directing Rule Nisi, by order dated 01-06-2004, granted interim stay of the impugned proceedings.

In the counter-affidavit filed by the second respondent-Mandal

Revenue Officer, it is stated that as a matter of fact the first respondent i.e., the appellate authority granted stay on 01-06-2004 and that the appeal is still pending.

Having regard to the facts and circumstances of the case, particularly in view of the fact that the statutory appeal is pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Till such time, the impugned proceedings dated 27-05-2004 shall not be given effect to.

With the above directions, the writ petition is disposed of. No costs.

(G. ROHINI, J)

Date: 18-01-2005

ghn

To

1. The Revenue Divisional Officer Narsapur, West Godavari Dist.

2. The Mandal Revenue Officer Achanta (M), Achanta, W.G. Dist.

3. Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

4. Two CD copies.